

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

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August 15, 2006

Robert C. Heinemann, Clerk
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: MDL-1596 -- In re Zyprexa Products Liability Litigation

(See Attached Schedule A of Order)

Dear Mr. Heinemann:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By

Mecca S. Carter
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Jack B. Weinstein
Transferor Judges: Judge Thelton E. Henderson; Judge John E. Ott;
Judge Allen Sharp; Judge William D. Stiehl
Transferor Clerks: Norbert G. Jaworski; Perry D. Mathis; Richard W. Wieking; Stephen R. Ludwig

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IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 15 2006

FILED
CLERK'S OFFICE.

A CERTIFIED TRUE COPY

AUG 15 2006

DOCKET NO. 1596

**ATTEST: Debra Carter
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION

**BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

TRANSFER ORDER

Before the Panel are motions brought, respectively, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in 27 Northern District of Indiana actions, six Northern District of California actions, one Northern District of Alabama action and one Southern District of Illinois action as listed on Schedule A. These plaintiffs ask the Panel to vacate its orders conditionally transferring the actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Defendant Eli Lilly and Co. opposes the motions to vacate and urges inclusion of the 35 actions in the MDL-1596 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these 35 actions involve common questions of fact with the actions in this litigation previously transferred to the Eastern District of New York, and that transfer of these actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Eastern District of New York was a proper Section 1407 forum for actions involving claims of liability related to the prescription drug Zyprexa. *See In re Zyprexa Products Liability Litigation*, 314 F.Supp.2d 1380 (J.P.M.L. 2004). Any motions for remand to state court or for dismissal can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of New York and, with the consent of that court, assigned to the Honorable Jack B. Weinstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

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IT IS FURTHER ORDERED that the request for fees and expenses by certain plaintiffs is denied.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE A

MDL-1596 -- In re Zyprexa Products Liability Litigation

Northern District of Alabama

Vanessa Brownlee v. Eli Lilly & Co., et al., C.A. No. 7:06-634

Northern District of California

Claudia Stempien, et al. v. Eli Lilly & Co., et al., C.A. No. 3:06-1811
Timothy Johnson, et al. v. Eli Lilly & Co., et al., C.A. No. 3:06-2188
Russel Woodrow, et al. v. Eli Lilly & Co., C.A. No. 3:06-2385
John Grant, et al. v. Eli Lilly & Co., et al., C.A. No. 3:06-2386
Andra Alexander, et al. v. Eli Lilly & Co., et al., C.A. No. 3:06-2489
Saundra Burns, et al. v. Eli Lilly & Co., et al., C.A. No. 4:06-2384

Southern District of Illinois

Linda Perry, et al. v. Eli Lilly & Co., C.A. No. 3:06-269

Northern District of Indiana

John Partin, et al. v. Eli Lilly & Co., C.A. No. 4:06-23
Alan Jaggie, et al. v. Eli Lilly & Co., C.A. No. 4:06-24
Huey Hendrix, et al. v. Eli Lilly & Co., C.A. No. 4:06-25
Mary Slade, et al. v. Eli Lilly & Co., C.A. No. 4:06-26
Lynette Hanson, et al. v. Eli Lilly & Co., C.A. No. 4:06-27
Nancy Emanuel, et al. v. Eli Lilly & Co., C.A. No. 4:06-28
Raleigh Harris, et al. v. Eli Lilly & Co., C.A. No. 4:06-29
Leland Bond, et al. v. Eli Lilly & Co., C.A. No. 4:06-30
Faye Hood, et al. v. Eli Lilly & Co., C.A. No. 4:06-31
Melissa Bidy, et al. v. Eli Lilly & Co., C.A. No. 4:06-32
Patricia Trimble, et al. v. Eli Lilly & Co., C.A. No. 4:06-33
Ernest Moorer, et al. v. Eli Lilly & Co., C.A. No. 4:06-34
George Horn, et al. v. Eli Lilly & Co., C.A. No. 4:06-35
Carol Lee Moore, et al. v. Eli Lilly & Co., C.A. No. 4:06-36
Wayne Adams, et al. v. Eli Lilly & Co., C.A. No. 4:06-37
Mary Billings, et al. v. Eli Lilly & Co., C.A. No. 4:06-38
David Wilkison, et al. v. Eli Lilly & Co., C.A. No. 4:06-39
Richard Eickhoff, et al. v. Eli Lilly & Co., C.A. No. 4:06-40
Vaunita Duval, et al. v. Eli Lilly & Co., C.A. No. 4:06-41
Ada Adair, et al. v. Eli Lilly & Co., C.A. No. 4:06-42

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Northern District of Indiana (continued)

Yvonee Dupain, et al. v. Eli Lilly & Co., C.A. No. 4:06-43
Allen Ames, et al. v. Eli Lilly & Co., C.A. No. 4:06-44
James Harstad, et al. v. Eli Lilly & Co., C.A. No. 4:06-45
John Cole, et al. v. Eli Lilly & Co., C.A. No. 4:06-47
Marc Scaillet, et al. v. Eli Lilly & Co., C.A. No. 4:06-72
James Anthony, et al. v. Eli Lilly & Co., C.A. No. 4:06-73
James Alexander, et al. v. Eli Lilly & Co., C.A. No. 4:06-74